

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 4:19-CV-10520-TSH

CHARU DESAI,
Plaintiff,

v.

UMASS MEMORIAL MEDICAL
CENTER, INC., et al.,
Defendants.

**DEFENDANTS' MOTION FOR
EXPEDITED CONSIDERATION
OF MOTION IN LIMINE TO
EXCLUDE EXPERT TESTIMONY
OF JAMES F. GRUDEN, M.D.**

Defendants, UMass Memorial Medical Group, Inc. (the "Medical Group") and Max Rosen, M.D., move for expedited consideration of their Motion in Limine to Exclude Expert Testimony of James F. Gruden, M.D. (doc. 126), and in support thereof, Defendants state as follows:

1. On August 1, 2021, Plaintiff disclosed that she may call James F. Gruden, M.D., to provide expert testimony at trial regarding his opinions on the Medical Group's independent expert review of Plaintiff's quality which led to the termination of her employment. While Plaintiff has not disclosed trial witnesses, Defendants understand that Plaintiff intends to call Dr. Gruden at trial.

2. On October 12, 2022, Defendants filed their Motion in Limine to Exclude Expert Testimony of James F. Gruden, M.D. Through their Motion, Defendants seek to exclude Plaintiff's expert, James F. Gruden, M.D., from testifying at trial on multiple bases, as set forth in the Motion.

3. Plaintiff did not file an opposition to Defendants' Motion within the time period set forth in D. Mass. Local Rule 7.1(b), but instead has indicated an intent to do so by the

November 28, 2022, date set by the Court for responses to motions in limine in its Order in the docket of September 26, 2022 (doc. 125).

4. Should Dr. Gruden be permitted to testify, it would significantly expand the scope of the trial with complex competing medical testimony, and will require Defendants to call its own expert witness to rebut Dr. Gruden's testimony. The preparation for the testimony of these highly-compensated expert witnesses will require significant time and expense, for all parties, and will require advanced travel arrangements for out-of-state witnesses. The delay in resolution of Defendants' Motion until the eve of trial will result in increased burden and expense. Particularly where the subject matter of the proposed testimony will be completely irrelevant to the material issues at trial, prompt resolution of Defendants' Motion will permit the parties to focus on the relevant preparations for trial of this matter and would greatly conserve the resources of the parties and the Court.

5. Accordingly, Defendants request that the Court consider Defendants' Motion in Limine to Exclude Expert Testimony of James F. Gruden, M.D., on an expedited basis, permitting Plaintiff a reasonable time within which to file any opposition to the Motion.

WHEREFORE, Defendants, UMass Memorial Medical Group, Inc., and Max Rosen, M.D., respectfully request that the Court consider their Motion in Limine to Exclude Expert Testimony of James F. Gruden, M.D., on an expedited basis.

CERTIFICATION OF CONFERENCE

Pursuant to D. Mass. Local Rule 7.1(a)(2), prior to the filing of this Motion, on November 2, 2022, counsel for Defendants, Reid M. Wakefield, conferred with counsel for Plaintiff, Timothy D. Rodden, Jr., in a good faith attempt to resolve or narrow the issues raised

herein, and no agreement could be reached, with Plaintiff's counsel indicating that Plaintiff opposed the relief requested in this Motion.

Respectfully submitted,

**UMASS MEMORIAL MEDICAL
GROUP, INC., and MAX ROSEN, M.D.**

By their attorneys,

/s/Reid M. Wakefield

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Dated: November 3, 2022

CERTIFICATE OF SERVICE

I, Reid M. Wakefield, hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this day.

/s/Reid M. Wakefield

Reid M. Wakefield, Esq.

Dated: November 3, 2022